

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

**INDEPENDENCE FEDERAL
SAVINGS BANK,**

Plaintiff,

v.

JAY BONANZA BRILEY, et al.

Defendants.

Case No. 1:08-cv-01189 (LO/JFA)

DEFENDANTS' AMENDED PRETRIAL STATEMENT

Defendants Jay Bonanza Briley and Constance H. Briley ("Defendants"), by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 26(a)(3) and this Court's April 15, 2009 Order [Dkt. 18], hereby submit their Amended Pretrial Statement as follows:

DEFENDANTS' TRIAL WITNESS LIST
(Fed. R. Civ. P. 26(a)(3)(A)(i))

1. Jay Bonanza Briley
3859 Lewiston Place
Fairfax, VA 22030
2. Constance H. Briley
3859 Lewiston Place
Fairfax, VA 22030
3. Robert B. Isard
Vice-Chairman of the Board
Independence Federal Savings Bank
1229 Connecticut Avenue, N.W.
Washington, D.C. 20036
4. Charles Robinson
5323 2nd Street, N.W.

- Washington, D.C. 20011
5. Nelson Deckelbaum, Esq.
Cooter Mangold Tompert & Karas, LLP
5301 Wisconsin Avenue, N.W.
Suite 500
Washington, D.C. 20015
 6. Patricia Hubbard
Independence Federal Savings Bank
1229 Connecticut Avenue, N.W.
Washington, D.C. 20036
 7. Barbara Lucas
Oak Street
P.O. Box 54
Broad Top, PA 16621
 8. John Kelly
3905 Hudee Drive
Mitchellville, MD 20721
 9. Morton A. Bender
1025 Connecticut Avenue, N.W.
Suite 606
Washington, D.C. 20036
 10. Thomas Batties
1452 Primrose Road, N.W.
Washington, D.C. 2012
 11. Joseph Donnelly, Jr. MAI
J. Lee Donnelly & Son, Inc.
7355 Wisconsin Avenue
Bethesda, MD 20814
 12. Mark Murdoc
Independence Federal Savings Bank
1229 Connecticut Avenue, N.W.
Washington, D.C. 20036
 13. Steve Colliatie
American Bank
4800 Montgomery Lane
Suite 1000
Bethesda, MD 20814

14. William Godfrey
American Bank
4800 Montgomery Lane
Suite 1000
Bethesda, MD 20814
15. James Plack, President
American Bank
4800 Montgomery Lane
Suite 1000
Bethesda, MD 20814
16. John Hall, Esq.
4100 Massachusetts Avenue, N.W.
Suite 918
Washington, D.C. 20016
17. Michael Kelly
Executive Director
District of Columbia Housing Authority
1133 North Capitol Street, N.E.
Washington, D.C. 20002
18. Shirley Boubert
Project Manager
District of Columbia Housing Authority
1133 North Capitol Street, N.E.
Washington, D.C. 20002
19. Custodian of Records
City Title & Escrow Company, Inc.
4400 Jennifer Street, N.W.
Washington, D.C. 20015
20. Paul E. Spruill
Paul E. Spruill & Associates, Inc.
P.O. Box 4111
Kettering Finance Station
Largo, MD 20775

Defendants reserve the right to call witnesses at trial for purpose of impeachment and/or rebuttal that may not have been identified above. Defendants reserve the right to call witnesses identified as a witness by Plaintiff.

DEFENDANTS' DEPOSITION DESIGNATIONS
(Fed. R. Civ. P. 26(a)(3)(A)(ii))

1. Deposition Transcript of Robert Isard, Independence Federal Savings Bank's Corporate Representative, dated June 18, 2009.
2. Deposition Transcript of Charles Robinson, dated June 18, 2009.

DEFENDANTS' TRIAL EXHIBIT LIST
(Fed. R. Civ. P. 26(a)(3)(A)(iii))

Ex.	Date	Exhibit Name
1.	November 13, 2008	Complaint on Guaranty of Payment
2.	April 9, 2009	Plaintiff's Answers to Defendants' First Set of Interrogatories
3.	September 10, 2004	Letter re self contained appraisal report on Two Six-Unit Condominium Buildings 423 & 429 18 th Street, N.E.
4.	September 14, 2006	Loan Summary Request for \$2,104,740.00
5.	March 27, 2006	Loan Presentation Form for \$2,104,740.00
6.	May 12, 2006	Letter from Charles Robinson to Briley re Status of Loan Request
7.	May 18, 2006	Letter from Barbara Lucas to Briley re loan approval of acquisition and construction loan
8.	June 16, 2006	Letter from Charles Robinson to Mr. Donnelly re appraisal assignment evaluation real property at 1033 Park Road
9.	July 25, 2006	Email from Christopher Chambers, Esq. to Charles Robinson re Board unanimously approved the loan for \$2.1 Mil.
10.	August 3, 2006	Letter from Briley to Mr. Robinson re labor and expenses in developing 1033 Park Road Project.
11.	August 4, 2006	Email from Chris Chambers, Esq. to Mr. Robinson re May 17 th Board approval was by a vote reflected in the minutes
12.	August 7, 2006	General Addendum
13.	August 10, 2006	Commercial Loan Submission Form signed by Charles Robinson
14.	August 24, 2006	Fax Cover Sheet from Charles Robinson to Scott Vekeman re 9 unit apartment to be converted into 6 condos.
15.	November 3, 2006	Email between Scott Vekeman and Charles Robinson re funds drawn
16.	Unknown	Draw Schedule for 1033 Park Road
17.	November 7, 2006	Email from Charles Robinson to Scott Vekeman re Draw Schedule for 1033 Park Road
18.	November 13, 2006	Loan Summary Request for \$45,000.00, signed by Charles Robinson
19.	November 17, 2006	Email to Lucas re Dick Sugerman re prepare medication to note & D.O.T.
20.	November 17, 2006	Handwritten message that rest of document has been redacted – Same as #22.
21.	December 14, 2006	Email from Charles Robinson to Deborah Daniel re rundown/update of loan with handwritten notes.
22.	March 13, 2007	Letter from Briley to Charles Robinson re Financing Additional Unit at 1033 Park Road
23.	May 22, 2007	Independence Bank's internal history of Note with handwritten notes
24.	June 1, 2007	Email from Charles Robinson to Patricia Hubbard re interest reserve.
25.	June 5, 2007	Personal Financial Statement – only 1 st page (signed on June 5, 2007)
26.	Unknown	Jay and Constance Brileys' 2006 Income Tax Return – Only 1 st page
27.	July 3, 2007	Email from Charles Robinson to Barbara Lukas re Auditor Briley
28.	July 3, 2007	Fax Cover Sheet from Charles Robinson to Pat Hubbard re documents for the

		Auditor
29.	July 3, 2007	Independence Bank's internal history of Note
30.	July 13, 2007	Email from Charles Robinson to Barbara Lucas re new loan and potential terms
31.	July 13, 2007	Email from Charles Robinson to Barbara Lucas re Loan Advance
32.	July 23, 2007	Email from Charles Robinson to Barbara Lucas re Loan Participation Memo
33.	Unknown	Loan Summary Request from \$2,450,000 – undated and unsigned
34.	August 21, 2007	Equifax ePort – Jay Briley's Beacon Score of 696 as of August 21, 2007
35.	August 2007	Loan Summary Request for \$2,500,000, signed by Charles Robinson and Barbara Lucas on August 9, 2007 and John Hall, President and CEO on August 30, 2007
36.	August 30, 2007	Independence Bank's internal history of Note
37.	Unknown	Loan Commitment for \$2,500,000.00 signed by the Brileys
38.	October 17, 2007	Letter from Barbara Lucas to City Title & Escrow
39.	October 18, 2007	Construction Loan Agreement
40.	Unknown	Refinanced – Construction Budget for 1033 Park Road
41.	October 25, 2007	Letter from Briley to Mrs. Lucas, Charles Robinson and Kathy Yamada re refinancing and issues on HUD Statement
42.	October 22, 2007	Participation Certificate for \$2,500,000. Lead Bank: Independence and Participant: American Bank
43.	October 30, 2007	Fax cover sheet from Patricia Hubbard to American Bank requesting American Bank to disburse pro rata share
44.	December 12, 2007	Email from Barbara Lucas to Charles Robinson re Jay needing extra money that was used at settlement
45.	February 17, 2008	Letter from Briley to Mr. Isard re resolution to submittal to increase funding to complete project.
46.	April 24, 2008	Letter from Patricia Hubbard to Briley re insufficient reserves available
47.	May 8, 2008	Letter from Briley to Mr. Isard and Mr. Kelly – response to April 24, 2008 letter
48.	May 15, 2008	Letter from Patricia Hubbard to Briley re unexpected items have come up and had to be paid.
49.	August 5, 2008	Memorandum from William Godfrey, American Bank to Patricia Hubbard requesting Independence to disburse its pro rata share.
50.	August 5, 2008	Certificate of Participation No. 13 – Lewis Bloom and Nancy Schwartz
51.	October 29, 2008	Email from Briley to Isard and Colliatie re DCHA re closing with ADA funding.
52.	November 4, 2008	Email from Briley to Bender, Isard and Colliatie in response to November 3, 2008 meeting
53.	March 10, 2009	Letter of Commitment, from Revita Lending to Briley Builders, Inc. re Loan amount of \$700,000.00
54.	February 23, 2009	Defendants' First Request for Production of Documents to Plaintiff
55.	June 18, 2009	Defendants' Second Request for Production of Documents to Plaintiff Independence Federal Savings Bank
56.	June 18, 2009	Defendants' First Request for Admissions to Plaintiff Independence Federal Savings Bank
57.	June 18, 2009	Defendants' Second Request for Interrogatories to Plaintiff Independence Federal Savings Bank
58.	June 18, 2009	Deposition Transcript of Robert Isard
59.	June 18, 2009	Deposition Transcript of Charles Robinson
60.	July 17, 2009	Letter from Mr. Deckemlaum to Mr. Cundra re additional documents
61.	November 2004	Independence Federal Savings Bank General Lending Policies & Procedures including amendments
62.	Unknown	Weschler's Auctioneers for sale of Condominium Unit #11, 423 18 th Street, N.E., Washington, D.C.
63.	Unknown	Weschler's Auctioneers for sale of Condominium Unit #12, 423 18 th Street, N.E., Washington, D.C.

64.	Unknown	Weschler's Auctioneers for sale of 1033 Park Road, N.W. Washington, D.C.
65.	September 6, 2007	Individual Condominium Unit Appraisal Report for Condominium Unit #11, 423 18 th Street, N.E., Washington, D.C.
66.	September 6, 2007	Individual Condominium Unit Appraisal Report for Condominium Unit #12, 423 18 th Street, N.E., Washington, D.C.
67.	June 28, 2006	Appraisal Report of Proposed Condominium Property 1033 Park Road, N.W., Washington, D.C. 20010
68.	Unknown	The Vindisi Condominium Public Offering Statement
69.	October 24, 2007	Settlement Statement
70.	October 18, 2007	Note
71.	October 18, 2007	Deed of Trust
72.	November 4, 2009	Email from Jay Briley to Mr. Bender and Mr. Isard re Suspending Foreclosures on 1033 Park Road and 423 Units 11 & 12
73.	October 28, 2008	Email from Jay Briley to Mr. Isard and Steve Collitie re FWD: 1033 Park Closing
74.	October 17, 2007	Email from Rose Ann Young to Jackie Hunt and William Godfrey re JBB LLC Closing Today
75.	October 28, 2007	Participant Certificate for amount advanced on October 28, 2007
76.	October 17, 2007	Participant Certificate for amount advanced on October 22, 2007
77.	Unknown	Draw Schedule for 1033 Park Road – 1 st Budget
78.	Unknown	Draw Schedule for 1033 Park Road – Budget for Additional Funds
79.	November 13, 2007	Email from Rose Anne Young to Jackie Hunt and William Godfrey re 1033 Park Road LLC
80.	November 20, 2007	First American Title Insurance Company Endorsement
81.	December 10, 2007	Email from Rose Anne Young to William Godfrey re JBB 1033 park Road LLC
82.	December 13, 2007	Participant Certificate for amount advanced on December 1, 2007
83.	December 12, 2007	Participant Certificate for amount advanced on December 12, 2007
84.	January 16, 2008	Fax Cover Sheet from Patricia Hubbard to William Godfrey, Subject: Account 0600000103-2 and Participant Certificate for amount advanced on January 2, 2008
85.	Unknown	Chart reflecting American Bank and IFSB payments
86.	March 26, 2008	Fax Cover Sheet from Patricia Hubbard to William Godfrey, Subject: Account 0600000103-2 and including Participant Certificate for amount advanced on March 1, 2008
87.	April 22, 2008	Fax Cover Sheet from Patricia Hubbard to William Godfrey, Subject: Account 0600000103-2 and including Participant Certificate for amount advanced on April 1, 2008
88.	October 14, 2008	Letter from Mark Murdock to Steve Colliatie with attached Corrective Action Plan, Default Letter and Title Search
89.	December 5, 2008	Email from Carol Taylor to William Godfrey re JBB 1033 Park Road
90.	July 10, 2007	Appraisal Report of Proposed Condominium Property 1033 Park Road, N.W., Washington, D.C. 20010
91.	August 22, 2007	American Bank's Loan Request Summary
92.	May 20, 2008	Fax Cover Sheet from Patricia Hubbard to William Godfrey, Subject: Account 0600000103-2 and including Participant Certificate for amount advanced on May 1, 2008
93.	April 24, 2008	Memorandum from William Godfrey to Patricia Hubbard re J.B.B. 1033 Park Rd. LLC
94.	February 12, 2008	Fax Cover Sheet from Patricia Hubbard to Rose Ann Young, Subject: Account 0600000103-2 and including Participant Certificate for amount advanced on February 1, 2008
95.	October 17, 2007	Loan Participation Agreement between Independence Federal Savings Bank and American Bank
96.	January 13, 2009	Letter from James Plack, President of American Bank to John Hall, President of

		Independence Federal Savings Bank
97.	Unknown	American Bank's Transaction History 1-1-2007 to 7-6-2009
98.	January 22, 2009	Appraisal Report of Residential Investment Property 1033 Park Road, N.W., Washington, D.C. 20010 prepared for Robert Isard
99.	February 3, 2009	Appraisal Report for Briley Builders, Inc. on Existing Apartment Building located at 1033 Park Road, N.W., Washington, D.C. 20010

Defendants reserve the right to supplemental this list prior to trial. Defendants reserve the right to use additional exhibits for the purposes of impeachment or rebuttal.

DATE: July 24, 2009

Respectfully submitted,

/s/ Natasha M. Zech
 Natasha M. Zech, Esq. ((VSB No. 51149)
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*Counsel for Defendants Jay Bonanza Briley
 and Constance H. Briley*

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 24th day of July 2009, a copy of *Defendants' Amended Pretrial Statement* was served via the Court's CM/ECF system upon the following counsel of record:

Stephen Nichols, Esq.
Nelson Deckelbaum, Esq.
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/s/ Natasha M. Zech
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